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February 13, 2004

DOCKET FILE COPY ORIGINAL

Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RECEIVED

FEB 13 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Notification of Subscriber Transfer
CC Docket No. 00-257**

Dear Madam Secretary:

Pursuant to Section 64.1120 of the Commission's Rules, this letter provides notification of the transfer of certain Texas local exchange subscribers of American Lightwave Communications Inc ("American Lightwave") to SBC Texas.

American Lightwave was unable to continue providing its customers telecommunications service in the SBC Texas region. To prevent disconnection of service for American Lightwave customers, SBC Texas began providing American Lightwave customers local telephone service, for an interim period, on January 16, 2004. SBC Texas provided these customers advance notice that it would become their new provider of telecommunications service as of February 16, 2004 unless they selected another provider. SBC Texas inadvertently did not file this certification 30-days prior to the February 16, 2004 date. SBC Texas certifies that it has complied with the obligations specified in the notice and any other applicable statutory and Commission requirements. A sample notification letter is attached hereto

Should you have any questions, please do not hesitate to contact me.

Sincerely,

David Grant

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NOTICE OF TRANSFER OF TELEPHONE SERVICE

RE 281-219-0274-749

January 16, 2004

JOHNSON, LINDA
4808 GASTON
HOUSTON TX 77093

Dear JOHNSON, LINDA

Until recently, American Lightwave Communications, Inc. ("American Lightwave") had been providing your local telephone service (dial tone) over the resold facilities of SBC Texas (SBC). As you may be aware, American Lightwave is no longer able to provide your local telephone service.

But for the terms of the agreement governing American Lightwave's service to you, once American Lightwave's account with SBC was disconnected, your local telephone service would have been disconnected, too. To prevent your service from being disconnected without notice to you, SBC began providing local telephone service to you on January 16, 2004 for a limited transition period. The last day of this limited transition period will be February 16, 2004.

Important: American Lightwave and SBC Texas (SBC) have entered into agreements whereby SBC has acquired American Lightwave's rights to provide your local telephone service should you not choose another local service provider by the February 16, 2004. This change does NOT affect long distance services you may currently be receiving from an interexchange carrier.

SBC records indicate that as of January 16, 2004, you have not yet selected another local telephone service provider. There is approximately one month before the limited transition period ends and your service will be transferred to SBC in accordance with applicable rules of the Federal Communications Commission ("FCC") and your state public utility commission.

You have a choice in selecting your telephone service provider.

1. If You Select SBC Texas for Local Phone Service by the Selection Date Please contact SBC Texas at 1-866-877-1070 to make arrangements for local telephone service as soon as possible. SBC Texas has attractive pricing programs and packages for local residential service that your SBC Texas representative can discuss with you. SBC Texas will provide you with the local phone services you request, and it will make local toll and long distance service available to you from the carrier of your choice. **SBC Texas will not charge its customary new connection fee or any other change of carrier charges.**

2. If You Do Nothing by the Selection Date If you have not transferred your service by the Selection Date (February 16, 2004), your local telephone service will be automatically transferred to SBC Texas during the Transfer Period at no cost to you, and you will not

experience any telephone service outage. In accordance with the applicable rules of the FCC and your state public utility commission, services will be provided to you as follows:

a. Local Phone Services – SBC Texas will provide the same or equivalent local phone services as you were receiving with American Lightwave at SBC Texas' approved rate structure (see attached summary of SBC Texas' service terms and conditions for more details). In addition, SBC Texas will not charge its customary new connection fee or any other change of local carrier charges. SBC Texas' rates, terms and conditions will be applicable on the date SBC Texas becomes your service provider. SBC Texas will contact you by mail or telephone to advise of any post-transfer changes.

b. Local Toll and Long Distance Services –

1) Local Toll from American Lightwave Local Toll and Long Distance Customers – If you use American Lightwave local toll but another carrier for long distance, then SBC will provide your local toll service at SBC's approved rate structure and you will continue to receive your long distance services from the same carrier.

2) Local Toll and Long Distance Customer of Another Carrier – If you use a long distance carrier for local and long distance services, you will receive the same service from the same carrier.

If you have a preferred carrier freeze that prevents unsolicited changes on your local phone, local toll, and/or long distance services, and have not contacted SBC Texas or another provider by the Selection Date (February 16, 2004), *the freeze will be lifted and your services transferred according to this section.* You must contact SBC Texas to arrange for the freeze protection to be reinstated after the transfer.

c. Service Adjustments – You may make adjustments and changes to your service from SBC Texas at any time by calling service representatives (per your billing statement).

3) If You Select Another Provider before the Selection Date: You must make arrangements with that service provider to transfer your service on or before the Selection Date (February 16, 2004). Your selected carrier will determine the charges for the services you select.

American Lightwave will no longer make any new changes to your telephone service, and American Lightwave has full responsibility for handling any outstanding complaints or disputes that may exist between you and American Lightwave or referring you to the appropriate carrier.

If you have any questions about SBC Texas' telephone services or features, please contact SBC Texas at 1-866-877-1070 or visit its web site at www.sbc.com.

SBC Texas looks forward to meeting your local communications needs. Please see attached terms and conditions.

If you have changed your local telephone service provider since January 16, 2004, please disregard this letter.

Sincerely,



April Mullins
SBC Manager
Attachment

SBC TEXAS' TERMS AND CONDITIONS OF LOCAL SERVICE

As a service to our customers, and in compliance with the Federal Communications Commission and state public utility commissions, if applicable, SBC Texas wants to provide you with the following information concerning the terms and conditions of service

- Depending on your location, your residential local telephone service will be billed at a monthly rate between \$8.15 to \$11.05 for SBC Texas' touch-tone one-party flat rate service • Universal Lifeline Telephone Service is also available, ask your SBC representative for details
- If you decide to order any additional services, a full description of each product or service you order will be identified on your bill. For additional information, you may reference the EasyOptions section of your SBC Texas directory or visit our Web site at www.sbc.com
- Charges for late payment and returned checks- A late payment charge \$5.00 will be assessed if your payment is not received by the date shown in the Payment Information section and the unpaid balance is \$10.01 or more. There is a \$25.00 charge for returned checks. If late payment or returned check charges are applicable, they can be found in the Other Charges section and Monthly Statement section of the telephone bill
- Deposits and advance payments – If a deposit or advance payment is later required to continue local telephone service with SBC Texas, the advance payment will appear in the Monthly Statement section of your telephone bill and the deposit will appear in the Payment Information section of your telephone bill. Information on interest accrual and refund of deposit can be found in the "Your Rights as a Customer" section of the SBC Texas Telephone directory
- Telephone number assignment changes - Your correct telephone number will be reflected on your telephone bill
- You may terminate your service at any time, subject to a minimum one-month's billing as set forth in our tariffs
- * Rates for SBC Texas' touch-tone, 1-party flat-rate line and for SBC Texas' touch-tone service vary by location